

2004	1983
FILING FEE PAID	
Yes	No
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Yes	No
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<b>FILED</b>
JUN - 9 2008
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY <i>RYM</i> DEPUTY

1 ROBBYE RAY ANDERSON

2 F39592-C.R.C.-303-221

3 P. O. BOX 3535

4 NORCO, CA. 92860

6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

9 **'08 CV 1031 W AIB**

10 ROBBYE RAY ANDERSON  
11 Petitioner

12 V.

13 STATE OF CALIFORNIA

14 Respondent

Case No.

Petitioner Request Appointment  
Of Counsel in This Habeas Corpus  
Pursuant To The Criminal  
Justice Act.

16 Please Take Judicial Notice:

18 I Robbye Ray Anderson, is the Petitioner in the above  
19 action before this court here by seeks appointment of  
20 counsel to said petitioner due to indigency, and the  
21 seriousness of the matter and the complex issues of Law  
22 and facts of a sort requiring the assistance of Counsel  
23 as petitioner's inability to investigate or obtain certain  
24 evidence and given the nature that petitioner has filed  
25 complaints with the District Court against prison officials  
26 in the past, or future.

28 See Attached

Constitutional Right To Counsel  
Pursuant to the Criminal Justice Act.

1 There is an established statutory right to counsel in  
2 most Habeas Corpus proceedings that present a non  
3 Frivolous or triable issue and in all such proceedings  
4 there are constitutional reasons why counsel should be  
5 appointed under the circumstances of individual cases.  
6 Examples as follows:

7 1. Cases in which the Petitioner has a colorable claim  
8 but lacks the capacity to present it or in which the legal  
9 issues are difficult and the petitioner has not demon-  
10 strated a workable knowledge of the legal process.

11 2. Cases involving at least one strong legal claim.

12 3. Cases in which the indigent is in no position to  
13 investigate crucial facts.

14 4. Cases involving mentally or physically impaired petitioners

15 5. In conformity with these expressions of congressional  
16 intent, the courts generally have endorsed the appointment  
17 of counsel to represent indigent and legally unsophisticated  
18 persons.

19 6. Language in section 3006(A)(2)(B) predecessor  
20 provision the congressional report on the provision  
21 states that the court should appoint counsel when  
22 necessary to insure a fair hearing.

23 7. Provision of the Criminal Justice Act 1964 and Amended  
24 by the Criminal Justice Act revision of 1986 section 3006  
25 (A)(2)(B) which states that representation may be pro-  
26 vided for any financially eligible person in a case  
27 arising under the Federal Habeas Corpus Statute.

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6 Under the penalty of perjury, the following  
7 is true and correct and all laws of the  
8 United States have been followed.  
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13  
14 Executed On 3rd Day Of June 2008  
15  
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18  
19 Mr. Robby Anderson  
20  
21 Signature Of Petitioner  
22  
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(3)